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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,482

01/27/2004

Tsuneaki Furukawa

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01/24/2006

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/764,482	FURUKAWA ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2841	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/04, 4/14/04, 8/3/05, 12/27/05.</u>                                   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3, 5, 6, 10, and 14 are objected to because of the following informalities:

In claim 3, "from the enter position" should be "from the center position."

In claim 6 "a12:00" should be "a 12:00."

With respect to claim 14, please clarify which "second" refers to second in the sense of time (i.e. hours minutes seconds) and which second refers to order (i.e. first second third.) I suggest using the method of referring to second in the sense of time as "seconds" and second in the sense of order as "second", as applicant has done in the earlier claim, claim 5.

In claim 5 and 10, the term "said rotating shaft" lacks proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

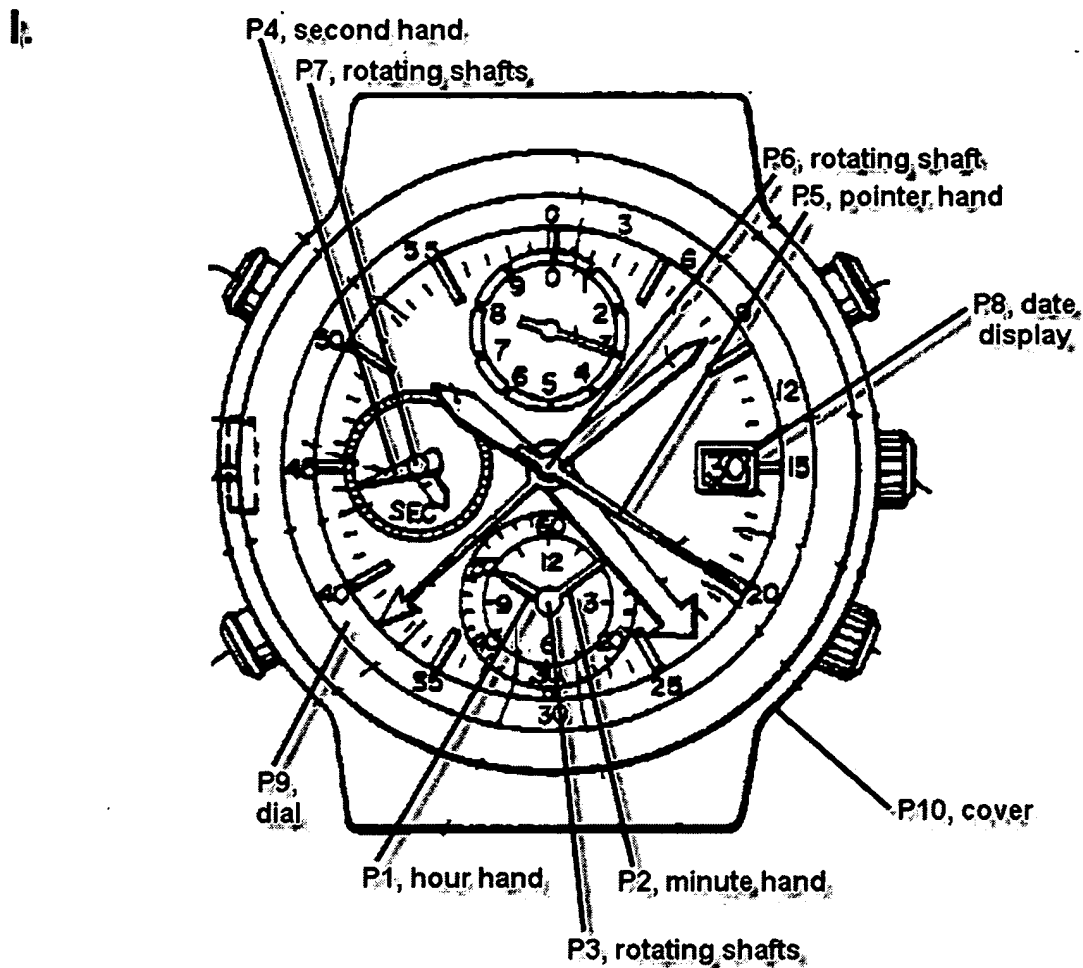
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota (US 5724317.)

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4. With respect to claim 1 Kubota discloses a timepiece comprising: a dial having a dial cover and a time display section on an inner peripheral side thereof; an hour hand (P1) being mounted on the time display section and having an hour hand rotating shaft (P3) disposed at a position different from the center position of the time display section; a minute hand (P2) being mounted on the time display section and having a minute hand rotating shaft (P3) disposed at a position different from the center position of the time display section; a pointer (P5) being mounted on the time display section and having a pointer rotating shaft (P6), a dimension A from the pointer rotating shaft to a tip of the pointer being greater than a dimension B from the minute hand rotating shaft to the tip of the minute hand, and the pointer rotating shaft being disposed at a position away from the hour hand rotating shaft by a distance less than the dimension A and greater than the dimension B; and a movement to drive the hour hand (P1), the minute (P2), and the pointer (P5.)

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5. With respect to claim 5 Kubota discloses the timepiece according to claim 1, further comprising, a seconds hand (P4) that is mounted on the time display section and has a seconds hand rotating shaft (P7) at a position different from said rotating shaft, wherein a dimension C from the seconds hand rotating shaft to the tip of the seconds hand is less than the dimension A, and the seconds hand rotating shaft is disposed at a position away from the pointer rotating shaft by a distance greater than the dimension C and less than the dimension A.

6. With respect to claim 10 Kubota discloses the timepiece according to claim 1, further comprising, a second pointer (P4) that is mounted on the time

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display section and has a second pointer rotating shaft (P7) at a position different from said rotating shaft, wherein a dimension D from the second pointer rotating shaft to the tip of the second pointer is less than the dimension A, and the second pointer rotating shaft is disposed at a position away from the pointer rotating shaft by a distance less than the dimension A.

7. With respect to claim 11 Kobota discloses the timepiece according to claim 10, wherein the second pointer (P4) is configured to be capable of rotating only within a specific angular range (360 degrees is a specific angular range), and the second pointer rotating shaft is disposed at a position away from the pointer rotating shaft by a distance less than the dimension D.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

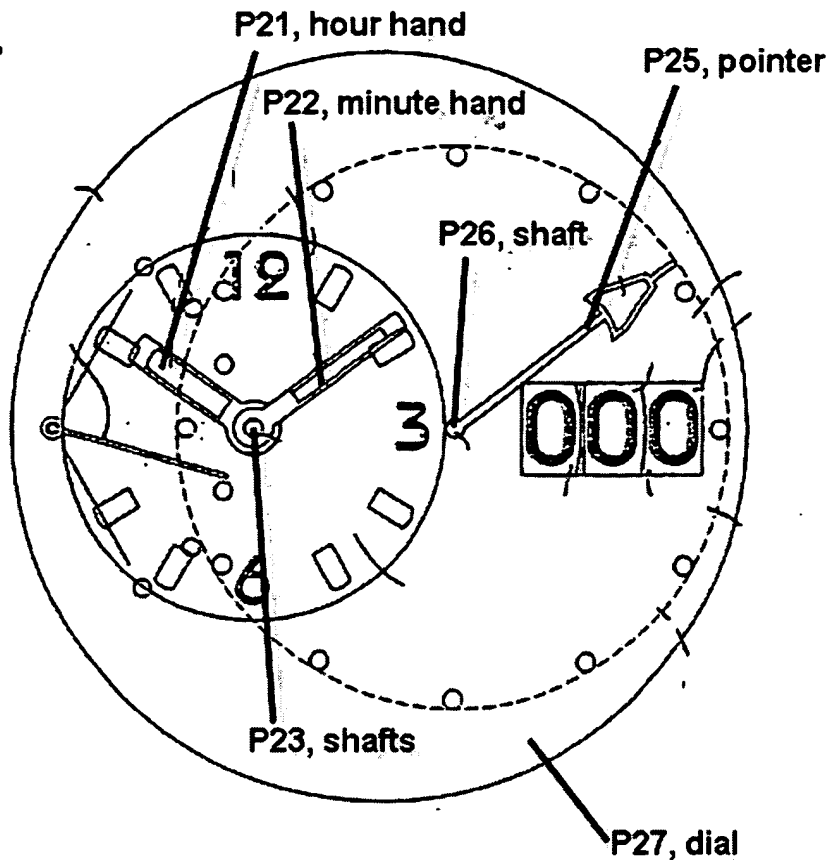
9. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Seyr (WO 02/093273.)

10. With respect to claim 1 Seyr discloses a timepiece comprising: a dial (P27) having a dial cover and a time display section on an inner peripheral side thereof; an hour hand (P21, picture III.) being mounted on the time display

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having an hour hand rotating shaft (P23) disposed at a position different from the center position of the time display section; a minute hand (P22) being mounted on the time display section and having a minute hand rotating shaft (P23) disposed at a position different from the center position of the time display section; a pointer (P25) being mounted on the time display section and having a pointer rotating shaft (P26), a dimension A from the pointer rotating shaft to a tip of the pointer being greater than a dimension B from the minute hand rotating shaft to the tip of the minute hand, and the pointer rotating shaft being disposed at a position away from the hour hand rotating shaft by a distance less than the dimension A and greater than the dimension B; and a movement to drive the hour hand (P21), the minute (P22), and the pointer (P25).

11. With respect to claim 2 Seyr discloses the timepiece according to claim 1, wherein the pointer rotating shaft (P26) is disposed on the opposite side of the center position of the time display section from the hour hand and minute hand rotating shafts (P23.)

**III.*****Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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13. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US 5724317.)

14. With respect to claim 14 Kubota disclose the timepiece according to claim 10. Kubota does not disclose wherein the pointer is a second chronograph hand, and the second pointer is a minute chronograph hand.

Second (unit of time) chronographs are well known in the art. Minute chronographs are similarly well known.

At the time of the invention it would have been obvious to one skilled in the art to include second and minute chronographs on Kubota's watch.

The suggestion or motivation for doing so would be to allow the user to measure units of time on the order of minutes and seconds.

15. With respect to claim 15 Kubota discloses the timepiece according to claim 14, further comprising, a date display (P8) section to display the date on the dial.

16. With respect to claim 16 kubota discloses the timepiece according to claim 15, further comprising, a case to accommodate the dial, the hour hand (P1), the minute hand (P2), the pointer (P5), and the movement, and a wrist mounting strap connected to the case.

17. With respect to claim 17 Kubota discloses the timepiece according to claim 16, wherein the dial (P9) has second chronograph graduations and minute chronograph graduations.

18. With respect to claim 18 Kubota discloses the timepiece according to claim 1, wherein the movement has a first layer near the dial and a second layer

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overlapping the first layer and separated from the dial (see picture II.), the first layer has an electric motor (405 fig 16) driven by the electric power and a gear train (406 figure 16) to transmit the rotation of the electric motor (405) to the pointer. Kubota does not disclose wherein the second layer has an electric power generating device and a secondary power source to store electric power generated by the electric power generating device.

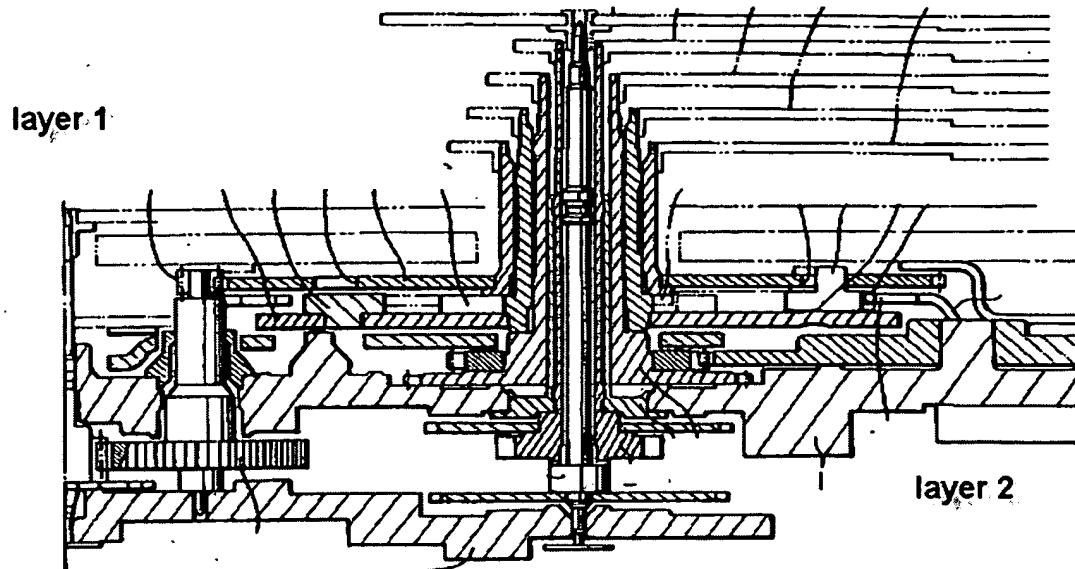
Applicant discloses that electric power generation means are well known in the art (Page 3 paragraph 1 of applicant's specification.)

The use of batteries as a power source and storage means is notoriously well known in the art.

At the time of the invention it would have been obvious to include a power generation device and batteries with Kubota's watch.

The suggestion or motivation for doing so would be to provide power and increase the operational duration of the watch without having to replace the batteries.

II.



19. With respect to claim 19 Kubota discloses the timepiece according to claim 18, further comprising a back cover (P10), wherein the movement is disposed between the dial and the back cover at a position wherein the first layer is near the dial and the second layer is near the back cover.

20. Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seyr (WO 02/093273.)

21. With respect to claim 3 Seyr discloses the timepiece according to claim 2, wherein the pointer rotating shaft is disposed at a position eccentric from the center position of the time display section and the hour hand rotating shaft and the minute hand rotating shaft are disposed at a position eccentric from the center position of the time display section. Seyr does not disclose wherein in the pointer shaft is at a 12:00 direction, and wherein the time shaft is in a 6:00 direction.

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Such an arrangement would be a simple rearrangement of parts from Seyr's design.

At the time of the invention it would have been obvious to one skilled in the art to place the pointer shaft at a 12:00 direction from the center and to place the hour and minute hand shaft at a 6:00 direction from the center. Such a change would be a mere rearrangement of parts.

22. With respect to claim 4 Seyr discloses the timepiece according to claim 3. Seyr does not disclose a case to accommodate the dial, the hour hand, the minute hand, the pointer, and the movement; and a wrist mounting strap connected to the case.

Cases and wrist straps are notoriously well known in the art.

At the time of the invention it would have been obvious to one skilled in the art to attach a case, complete with wrist mounting strap, to Seyr's invention.

The suggestion motivation for doing so would be to protect Seyr's invention and to allow it to be carried about a wrist.

23. With respect to claim 5 Seyr discloses the timepiece according to claim 1, further comprising a seconds hand that is mounted on the time display section and has a seconds hand rotating shaft at a position different from said rotating shaft, wherein a dimension C from the seconds hand rotating shaft to the tip of the seconds hand is less than the dimension A, and the seconds hand rotating shaft is disposed at a position away from the pointer rotating shaft by a distance greater than the dimension C. Seyr does not disclose wherein the distance

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between the seconds shaft and the pointer rotating shaft is less than the dimension A.

At the time of the invention it would have been obvious to one skilled in the art to move the position of the seconds hand closer to the pointer shaft, such that the distance between the two shafts was less than dimension A.

The suggestion or motivation for doing so would be to reduce the over all size of the watch.

24. With respect to claim 6 Seyr discloses the timepiece according to claim 5, wherein the pointer rotating shaft is disposed at a position eccentric from the center of the time display section, the hour hand rotating shaft and the minute hand rotating shaft are disposed at a position eccentric from the center of the time display section, and the seconds hand rotating shaft is disposed at a position eccentric from the center of the time display section. Seyr does not disclose wherein the pointer rotating shaft is in a 12:00 direction, wherein the hour and minute rotating shafts are in a 6:00 direction, and wherein the second rotating shaft is in a 10:00 direction.

At the time of the invention it would have been obvious to one skilled in the art to rearrange these parts in this way. To do so would be a mere rearrangement of parts.

25. With respect to claim 7 Seyr discloses the timepiece according to claim 6, further comprising, a second pointer that is disposed on the time display section and has a second pointer rotating shaft at a position different from said rotating shaft, wherein a dimension D from the second pointer rotating shaft to the tip of

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the second pointer is less than the dimension A, and the second pointer rotating shaft is disposed at a position away from the pointer rotating shaft by a distance less than the dimension A, wherein the second pointer rotating shaft is disposed at a position eccentric from the center of the time display section about. Seyr does not disclose wherein the second pointer shaft is in a 2:00 direction.

Multiple display watches are well known in the art. For instance see US D449231 and US 6570823.)

At the time of the invention it would have been obvious to include an additional pointer located in the 2:00 direction.

The suggestion or motivation for doing so would be to add an additional function to the watch, for instance a chronograph or date function.

26. With respect to claim 8 Seyr discloses the timepiece according to claim 7, wherein the second pointer is configured to be capable of rotating only within a specific angular range (360 degrees is an angular range), and the second pointer rotating shaft is disposed at a position away from the pointer rotating shaft by a distance less than the dimension D.

27. With respect to claim 9 Seyr discloses the timepiece according to claim 8. Seyr does not disclose a case to accommodate the dial, the hour hand, the minute hand, the pointer, and the movement, and a wrist mounting strap connected to the case.

Cases and wrist straps are notoriously well known in the art.

At the time of the invention it would have been obvious to one skilled in the art to attach a case, complete with wrist mounting strap, to Seyr's invention.

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The suggestion motivation for doing so would be to protect Seyr's invention and to allow it to be carried about a wrist.

28. With respect to claim 10 see 103 rejection for claim 7.

29. With respect to claim 11 see 103 rejection for claim 8.

30. With respect to claim 12 see 103 rejections 6 and 7.

31. With respect to claim 13 see 103 rejection for claim 4

32. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (US 5724317) as applied to claim 1 above, and further in view of Capt (US 3901020.)

33. With respect to claim 20 Kubota discloses the timepiece according to claim 1, a gear train to transmit the driving force from the movement to the gear.

34. Capt discloses a gear (15 figure 1, a copy of which is provided below) that has a heart-cam (17 figure 1) and is designed to hold the pointer, a return-to-zero hammer (8 figure 1) capable of moving between a return-to-zero position in contact with the heart-cam (17) and a position away from the heart-cam, a first external operating member (34), an operating lever (10 figure 1) that moves the return-to-zero hammer to a position away from the heart-cam in conjunction with the operation of the first external operating member when the return-to-zero hammer (15) is in contact with the heart-cam (17), and that is positioned at a set position except during the operation of the first external operating member, a second external operating member (35), and a return-to-zero transmission hammer (31) to control the return-to-zero hammer at a position in which pressure

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is applied to the heart-cam in conjunction with the operation of the second external operating member.

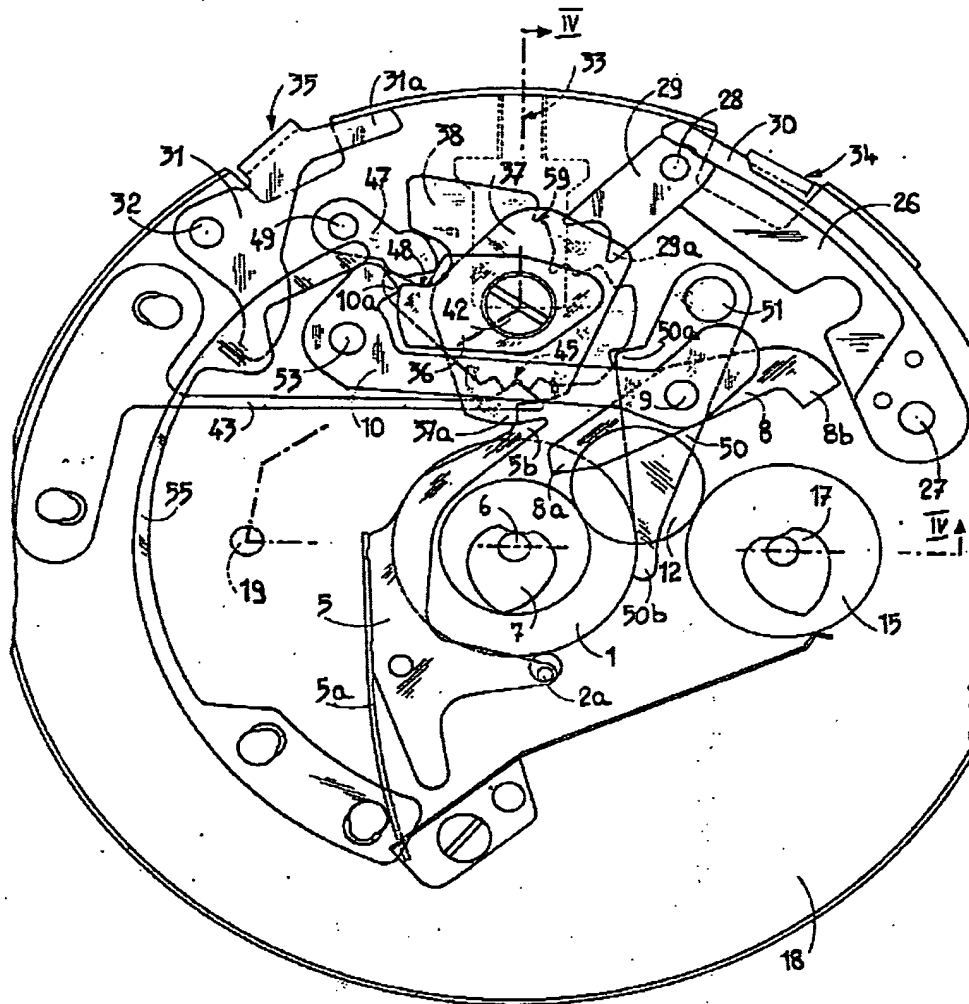


FIG. 1



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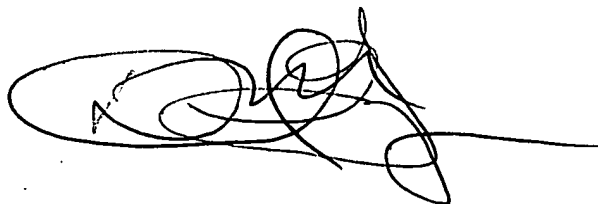
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK  
1/10/06

A handwritten signature in black ink, appearing to read 'David Gray', with a long horizontal line extending to the right.

**David Gray**  
**Primary Examiner**